

REMARKS

Claims 1-15 are pending in the application. Claims 5-11 were withdrawn from consideration on the merits. Claims 1-4 and 14 were rejected as being indefinite. Claims 1-4 and 12-15 were rejected as anticipated. By this response, Applicant has amended claims 4-7 and 9-11 to remove the multiple dependencies recited therein. Applicant has amended claim 1, 11-12 and 14 to further clarify the invention as recited therein. Applicant respectfully submits that the amendment to claim 1, 11-12 and 14 are based in the specification as originally filed, that such amendments do not add new matter, and requests entry thereof. In addition, Applicant has added new dependent claim 16, which amendment is based in the original specification as filed, and requests entry thereof. Applicant respectfully requests reconsideration of claims 1-16 in view of the following remarks.

Please note that Applicant's remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicant requests that the Examiner carefully review each of the references discussed below to ensure that Applicant's understanding and discussion of the references is consistent with the Examiner. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed design. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed design and that reference.

A. Multiple Dependent Claims

Paragraph 1 of the Office Action objected to claim 5-11 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from a multiple dependent claim. On this basis, the Office Action withdrew claims 5-11 from consideration on the merits.

By this amendment, Applicant has amended claims 4-7 and 9-11 to remove the multiple dependencies. As such, Applicant respectfully submits that claims 5-11 are no longer in improper form and respectfully requests that claims 5-11 now be considered on their merits.

B. Indefiniteness

Paragraphs 2 and 3 of the Office Action rejected claims 1-4 and 14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action asserted that the phrase “A disruptor for constituting an explosive charge,” in claim 1 was vague and indefinite as it was not clear how a disruptor would form or constitute an explosive charge. By this response, Applicant has amended claim 1 to recite “a disruptor including an explosive charge.” Applicant asserts that such amendment is based in the original specification at page 13, lines 10-27 as well as in other parts of the specification. As such, Applicant respectfully submits that claim 1 as recited in no longer indefinite and respectfully requests that the indefiniteness rejection with respect to claim 1 be withdrawn.

With regard to claim 14, the Office Action asserted that the claim was indefinite since it has no period dot to indicate the claim is complete. Applicant has reviewed claim 14 and asserts that the original claim 14 ended with a period dot, so as to sufficiently complete the claim. Nevertheless, the current listing of claims above includes a period at the end of claim 14. Applicant therefore respectfully requests that the indefiniteness rejection with respect to claim 14 be withdrawn.

C. Anticipation

Paragraphs 4 and 5 of the Office Action rejected claims 1-4 and 12-15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,493,973 to Brion et al. Brion relates to a gun or

a cannon for firing on many occasions a bullet or shell; it is essentially an arrangement for a gun wherein the shell is remote from the containment of the explosive material. The Brion reference discloses a container 1 formed of two identical end-caps 3, each of which is first positioned within, and thereafter fixed by gluing to, the cylindrical case 2. Powder is then inserted into the container 1. In a variant shown in Figure 8, case 2 has a threaded internal profile 24 engaging with an equivalent shaping on one of the end-caps 3. The Brion reference describes object of its invention as follows:

One object of the invention is to propose a simple and inexpensive propulsive-charge container-manufacturing process capable of producing different types of containers of different shapes and sizes at the lowest cost with the minimum number of parts.

Another object of the invention is to provide a container for a propulsive charge, which is of a simple and inexpensive design, and that allows easy loading into the chamber of the weapon.

'973 patent, col. 1, ll. 36-44 (emphasis added). That is, the Brion reference is directed to manufacturing containers of explosives which will be introduced into a chamber of a weapon. The containers of the Brion reference are not intended by themselves to be used for detonation. Thus, the Brion reference does not teach "the container comprising: an enclosure for holding explosive material, said enclosure having a wall of the projectile locatable at anyone of a number of positions defining the capacity of said enclosure" as recited in claim 1. That is, the Brion reference does not teach that a "wall of a projectile" forms part of the enclosure of the container. Indeed such modification would not be suggested because of the fundamental requirement in Brion that the containers be used inside a gun or cannon for multiple firing of bullets or shells without harm or destruction of the gun or cannon itself.

In contrast, the present invention relates to an entirely different type of product, namely a disrupter which is a single-use product, and is destroyed in the act of its use. Upon detonation of

the explosive material in the disrupter, the projectile will be advanced by a detonation wave front created by detonation of the explosive material. See, e.g., Specification, page 16, ll. 15-19. The end caps 3 of the Brion reference thus are distinctly different than “a wall of the projectile” recited in independent claims 1, 12 and 14. As such, Applicant respectfully requests that the anticipation rejection with respect to claim 1, 12 and 14 be withdrawn.

Claims 2-4 depend from independent claim 1, claim 13 depends from independent claim 12, and claim 15 depends from independent claim 14 and thus incorporate the limitations thereof. As such, Applicant respectfully submits that claims 2-4, 13 and 15 are allowable for substantially the same reasons that claim 1, 12 and/or 14 is allowable and requests that the anticipation rejection with respect to claims 2-4, 13 and 15 be withdrawn.

New dependent claim 16 has been added that is dependent from independent claim 1. Claim 16 is further distinguishable over the Brion reference because the Brion reference does not teach the container having “a detonator disposed in said enclosure for detonating the disruptor.”

D. Withdrawn Claims 5-11

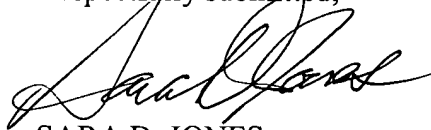
Applicant respectfully submits that claim 1 has been successfully distinguished over the Brion reference and that withdrawn claims 5-11, which have been amended to remove the above-recited objection, depend from claim 1 and thus incorporate the limitations thereof. As such, Applicant respectfully submits that claims 5-11 are allowable for at substantially the same reasons that claim 1 is allowable.

E. **Conclusion**

In view of the foregoing, this application is in condition for allowance and favorable action is respectfully requested. In the event of any question, the Examiner is respectfully requested to initiate a telephone conversation with the undersigned.

Dated this 12TH, day of December, 2005.

Respectfully submitted,



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